

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No.26936 of 2007

Dr.S.Gandhimady

..Petitioner

Vs

1. The Chief Secretary to Government
-cum-Chairman
Rajiv Gandhi College of Veterinary and
Animal Sciences
Chief Secretariat, Puducherry
 2. The Dean
Rajiv Gandhi College of Veterinary and
Animal Sciences, Kurumbapet
Puducherry
 3. Dr.Selvi
Rajiv Gandhi College of Veterinary and
Animal Sciences, Kurumbapet, Puducherry.
- ..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent with No.1-2/PVSC/Estt.2006-07/E1 dated 06.08.2007 and to quash the same in respect of selection of the 3rd respondent to the post of Assistant Professor in Veterinary Epidemiology and Preventive Medicine in the 2nd respondent college and consequently, to direct the respondents 1 and 2 to appoint the petitioner to the post of Assistant Professor in Veterinary Epidemiology and Preventive Medicine in the 2nd respondent College with all other consequential benefits.

For Petitioner : Mr.V.Ajayakumar
For Respondents : Mr.Stalin Abhimanyu for R1
M/s.Sai Bharath and Ilan for R2
Mr.S.Anbazhagan for R3.

ORDER

The Petitioner filed this writ petition challenging the selection of the 3rd respondent to the post of Assistant Professor in Veterinary Epidemiology and Preventive Medicine in

the second respondent college. The petitioner further prayed to direct the respondents 1 and 2 to appoint the petitioner to the post of Assistant Professor in the above 2nd respondent college, with all consequential benefits.

2. According to the petitioner, the 2nd respondent college published a notification in the daily newspaper on 20.09.2006 calling for applications for three posts of Assistant Professors in Veterinary Epidemiology and Preventive Medicine. As per the advertisement, the qualification and experience for the post of Assistant Professor was as follows:-

(i) M.V.Sc degree in the subject concerned

(ii) Registration with the State/Central Veterinary council. Age limit prescribed for the post is below 35 years as on the last date for receipt of applications. The 3rd respondent is selected for the post of Assistant Professor and the contention of the petitioner is that the 3rd respondent is not having the qualification of pass in National Eligibility Test. Therefore, the appointment of the 3rd respondent is vitiated and the same is liable to be quashed.

3. In addition to the above contention, the learned counsel for the petitioner would submit that the petitioner subsequently got appointment, but thereafter, he has no instructions.

4. The learned counsel for the 2nd respondent would submit that on the date of the advertisement on 20.09.2006, the only eligibility criteria for the post of Assistant Professor is that (i) M.V.Sc degree in the subject concerned. and (ii) Registration with the State/Central Veterinary Council. However, the 2nd respondent vide Notification No.A.12018/1/2010-11/E1/RAGACOVAS dated 12.08.2010 published in the Official Gazette incorporated NET as a qualification in the Recruitment Rules, which is as follows:-

i. Master degree in the concerned subject with good academic record with NET/SLET/SET.

ii. Registration with the State/Central Veterinary Council. From the above, it is clear that NET was made mandatory in the 2nd respondent College only from 2010. The claim of the petitioner that NET is mandatory in 2007 is untenable.

5. It is also pointed out in the counter affidavit filed by respondents 1 and 2 that the petitioner who worked as contract Veterinary Asst.Surgeon later applied for the permanent post of Veterinary Assistant Surgeon (Group-A Gazetted Officer) in the Department of Animal Husbandry and Animal Welfare, Government of Puducherry through UPSC. She got selected and appointed in the permanent post on 27.11.2008. Further, the third respondent is continuing the post till date.

6. The learned counsel for the 3rd respondent adopted the submission made by the counsel for the 2nd respondent.

7. Heard and perused the records.

8. Admittedly, for appointment to the post of Assistant Professor in Veterinary Epidemiology and Preventive Medicine in the 2nd respondent college, there was open advertisement in the daily news paper on 20.09.2006 and at that time, three posts of Assistant Professor were advertised. As per the advertisement, qualification and experience for the post of Assistant Professor is (i) M.V.Sc degree in the subject concerned

(ii) Registration with the State/Central Veterinary council.

The petitioner and the 3rd respondent participated in the said selection. The 3rd respondent got selected and was appointed as Assistant Professor. The petitioner without challenging the prescribed qualification referred in the advertisement, participated in the interview and for the reason that she was not selected for the said post, even without challenging the advertisement and the qualification prescribed therein, sought to quash the impugned selection list dated 06.08.2007.

9. A reading of the counter affidavit filed by the 2nd respondent would go to show that NET was made mandatory in the 2nd respondent College from 2010 vide Notification dated 12.08.2010, wherein, it is stated that Master degree in the concerned subject with good academic record with NET/SLET/SET.

10. The learned counsel for the 2nd respondent pointed out that on the date of the advertisement, NET/SLET/SET was not mandatory, but the candidates who cleared the NET/SLET at the relevant point of time were given preference in addition to academic achievements. Thereafter only, amendment was brought to Recruitment Rules vide Notification dated 12.08.2010. Now, clearance of the NET is mandatory.

11. Therefore, in the given circumstances, since the petitioner herself participated in the interview and not challenged the advertisement but when she is not successful in the interview, challenged the appointment of the 3rd respondent, the said prayer is not at all sustainable. The 3rd respondent fulfills the sufficient qualification required for the post, whose name was recommended for appointment to the post of Assistant Professor in the discipline of Veterinary Epidemiology and Preventive Medicine.

12. In any event, the subsequent development taken place in this case is that the petitioner also got selected and appointed in the permanent post of Veterinary Assistant Surgeon (Group-A Gazetted Officer) on 27.11.2008. Thereafter, she is not

interested in giving any instructions to the counsel for the petitioner.

13. Therefore, considering the facts and circumstances of the case, there is no merit in the writ petition and the change of circumstances that has taken place in the intermediary period between 2007 and 2020, there is no necessity absolutely arisen to quash the appointment order of the 3rd respondent. Therefore, the writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary to Government
-cum-Chairman
Rajiv Gandhi College of Veterinary and
Animal Sciences
Chief Secretariat, Puducherry
2. The Dean
Rajiv Gandhi College of Veterinary and
Animal Sciences, Kurumbapet
Puducherry

W.P.No.26936 of 2007

ssd(CO)
rv(18/01/2021)

सत्यमेव जयते

WEB COPY